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Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventy-first session

Summary record of the 2055th (Chamber B) meeting
Held at the Palais des Nations, Geneva, on Monday, 11 January 2016, at 3 p.m.

Chair: Mr. Mezmur

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties

Combined third and fourth periodic reports of the Islamic Republic of Iran (CRC/C/IRN/3-4; CRC/C/IRN/Q/3-4 and Add.1)

1. *At the invitation of the Chair, the delegation of the Islamic Republic of Iran took places at the Committee table.*

2. **Mr. Abbasi** (Islamic Republic of Iran), introducing his country's report, said that his Government attached the utmost importance to the protection of children's rights. In recent years it had taken a number of important steps in that regard, including the adoption of legislation stipulating that the best interests of the child must be taken into consideration in all public policies and plans and in all court decisions.

3. The National Body for the Convention on the Rights of the Child had been established under the aegis of the Ministry of Justice to coordinate and monitor the implementation of the Convention. It comprised representatives of government bodies, NGOs and the bar association, and its four thematic sub-working groups made recommendations to government authorities on various issues concerning children. The National Body had created a comprehensive database containing information on various charities and organizations working to promote and protect children's rights. The database incorporated data from 12 different databases and was continuously updated; the information in it was accessible to the general public on a website. In addition to the National Body, provincial bodies dealing with children's issues had been established in about half of the country's provinces. Efforts to establish such bodies in the remaining provinces would continue in the coming year.

4. Despite the many measures taken to alleviate the problems faced by children around the world, many children were still suffering, including child labourers and migrant children. In many cases, decision makers had failed to adopt the long-term view that would be needed to find a solution to those problems. His delegation firmly believed that simply adopting policies was insufficient; attitudes among all stakeholders must also be changed. Children must be respected and treated as a vulnerable group in need of special support. With that in mind, the National Body for the Convention on the Rights of the Child had launched a children's rights education campaign targeting teachers, judges, lawyers, social workers and other professionals who dealt with children.

5. The safety of millions of children was at risk as a result of environmental destruction, poverty and malnutrition. Despite worldwide efforts to protect children's rights, war and regional instability had only exacerbated those problems, and many innocent children had been displaced. World leaders should consider the consequences of their policies and their impact on the lives of children.

6. **Ms. Winter** (Coordinator, Country Task Force) said that the Committee's role was not to accuse or punish States but to assist them in their efforts to improve the situation of children. She hoped that the dialogue with the State party would provide an opportunity to openly address problem areas and discuss possible solutions in good faith. She agreed that environmental problems were having a huge impact on children, and the Committee's next day of general discussion would be devoted to precisely that issue.

7. **The Chair** (Country Task Force) noted with satisfaction that progress had been made in a number of areas since the adoption in 2005 of the Committee's concluding observations on the State party's previous report. Nevertheless, as was the case with all States, there was room for further improvement. The Committee had received

reports claiming that certain provisions of the Islamic Penal Code were discriminatory against girls, ethnic minorities and other groups. He asked whether the delegation agreed with that assessment and, if so, how the State party planned to address that issue.

8. Noting the judiciary's wide discretionary powers regarding the interpretation of the law, he asked whether the delegation considered those powers to be excessive and whether there were any cases in which judges had exceeded the limits established by the Convention and national laws.

9. While a number of countries had withdrawn their reservations to human rights treaties in recent years, the State party had not yet withdrawn its reservation to the Convention on the Rights of the Child. The Committee was especially concerned about that reservation in the light of its very general nature, and it would be useful to hear the delegation's thoughts on the matter.

10. He welcomed the launch of a process to finalize the national plan of action on children's rights. He requested information about the human, technical and financial resources allocated to implement the plan and asked how it would specifically address the situation of children in vulnerable situations.

11. He wished to know more about the actual progress achieved by the National Body for the Convention on the Rights of the Child in coordinating efforts to implement the Convention. While he commended the State party's collection and use of disaggregated data, he wished to know whether the data were collected in a truly systematic and comprehensive manner on all issues relating to the Convention. Further details about the allocation of resources to dealing with children's issues would be welcome. In particular, he wondered whether the Government was considering adopting a child-sensitive budgeting process.

12. Noting that the State party's national human rights institution had been granted C status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, he asked whether there were any efforts under way to improve the institution's independence and make it more accessible to children in both urban and rural areas.

13. Lastly, he asked the delegation to comment on reports of serious limitations being imposed on civil society organizations working to address children's rights issues. Was it true that the space for engagement with civil society organizations was becoming more narrow, and, if so, why?

14. **Ms. Winter** said that the definition of the child in Iranian law was of serious concern. By establishing the age of majority at 9 lunar years for girls and 15 lunar years for boys, it violated two separate provisions of the Convention. Even if the Koran did require different standards for girls and boys, it did not require such a large gap as the one stipulated in the State party's law. She asked whether the State party would consider reducing that gap so as to limit discrimination against girls.

15. She would like to know why the State party had considered a reservation necessary when ratifying the Convention, and yet had felt able to ratify the International Covenant on Civil and Political Rights without reservation. Was the recognition of children's rights potentially more dangerous than the recognition of adult rights? Given the content of the reservation, she would appreciate clarification as to how decisions regarding which provisions or articles of the Convention were incompatible with Islamic laws were made and which authorities were responsible for such decisions.

16. Since the Bill on Protection of the Rights of Children and Adolescents would serve to temper the impact of the harsh legal provisions governing the age of criminal

responsibility, she wondered whether similar progress had been made towards limiting the impact of legal provisions which permitted the marriage of girls under 13 years of age subject to their parents' agreement. She would particularly like to know how often the new civil law provisions which allowed parental agreements to be overturned in the best interests of the child had been applied, and whether judges had been given specific guidance on their application. She likewise wished to know what was being done to make judges aware of the alternative punitive measures available for minors convicted of serious crimes, in application of the best interests of the child principle. The current practice of holding juvenile offenders on death row until they were 18 years old denied them any chance of development.

17. Although girls in Iran generally received a better education than their peers in neighbouring countries, they remained exposed to worrying levels of discrimination from a very early age. Was it really necessary that girls be required to wear a hijab to attend nursery while their male counterparts were allowed to develop freely, without such constraints? Could the new civil law provisions on the best interests of the child not be used to relax that requirement?

18. The discrimination suffered by children belonging to minority ethnic and religious groups, such as Azeri children and children of the Baha'i faith, was also worrying. She urged the State party to review its educational curricula to allow minority children to be taught in their own language and to guarantee freedom of religion. Would greater acceptance of multiculturalism and greater religious freedom really be detrimental to the country?

19. The State party's efforts to help Afghan refugee children were commendable but she was concerned about reports that they were required to pay for basic education. She asked whether that situation had, or would soon be, changed; whether the State party had issued, or planned to issue, regulations governing the rights of refugees; and whether the law had been amended to address the barriers to obtaining Iranian nationality faced by children born in Iran to foreign fathers or to unregistered parents. With migration and refugee issues currently under the spotlight in Europe, she suggested that the State party might be in a position to share good practice and experience in that area. It should also consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness to complement the good work it was doing on refugees' behalf.

20. Turning lastly to the issue of child protection and noting that she had been unable to find any explanation of the "sharia-sanctioned boundaries" referred to in the Islamic Penal Code or of the circumstances in which corporal punishment might be deemed lawful, she asked whether guidelines had been drawn up to help judges to ascertain when those boundaries had been overstepped and what measures had been taken to increase parental awareness in that respect.

21. **Mr. Nelson** (Country Task Force) said that it was not clear from the report whether the Bill on Protection of the Rights of Children and Adolescents was pending adoption or already in effect; clarification as to the Bill's current status was needed. He urged the delegation to respond to the various concerns raised in the list of issues that had not received adequate and coherent replies, including, in particular, those raised in paragraphs 12 (flogging, stoning and amputation), 13 (corporal punishment and domestic violence), 14 (sexual abuse and exploitation) and 15 (child marriage and female genital mutilation). The State party had provided some useful information about the assistance and support available for street children in response to paragraph 21 but had failed to address the allegations of police brutality. Information about the number of complaints of police brutality against any children, not just street children, and about the action taken in response would therefore be appreciated.

22. He was concerned that children who witnessed public executions or other forms of State-ordered violent punishment, whether unintentionally or forcibly, might be adversely affected. He wondered whether the State party had similar concerns and was doing anything to shield children from those practices. Another source of concern was the situation of lesbian, gay, bisexual, transgender and intersex (LGBTI) children in Iran, who, according to reports, were often forced to undergo electric shocks, hormone treatments and corrective surgery to "cure" their "problems". He urged the State party to review the use of such procedures. He also urged the delegation to provide the comprehensive statistical information about child abuse and violence, honour killings and sanctions, sexual abuse and domestic violence requested in part III of the list of issues.

23. **The Chair**, speaking as a member of the Country Task Force, said that information about the application of the death penalty to juvenile offenders was contradictory; although judges were apparently exhorted to show leniency, reports suggested that there were currently around 160 juvenile offenders on death row in Iran. Precise information was needed, including in respect of the two juvenile offenders reported to have been executed in November 2015. He would also like to know how the authorities determined an offender's age in cases where doubt existed and evidence was inconclusive, and how juvenile offenders convicted of drug-related offences were treated. Honour killings were another critical issue that would require in-depth examination during the interactive dialogue

The meeting was suspended at 4.10 p.m. and resumed at 4.30 p.m.

24. **Mr. Abbasi** (Islamic Republic of Iran) said that the Government of Iran attached huge importance to the rights of children, who made up one third of the nation's population and represented the future of Iranian society. The new President had been elected on a pro-human rights ticket and had taken numerous steps to enhance the human rights apparatus. Child rights were central to the Government's strategic goals and were correspondingly reflected in policies, laws and regulations.

25. The Government firmly believed that NGOs were the most effective instrument through which to implement its strategies and achieve its goals. There were almost 10,000 NGOs currently active in Iran, hundreds of them dedicated to the promotion of children's rights. Any NGO that contravened the nation's laws and statutes would of course be barred from further activity, but such cases did not in any way undermine the Government's fundamental commitment to the overarching goals.

26. With regard to the reservation issued upon ratification, it was important to note that, unlike the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child had been ratified after the 1979 Revolution and the adoption of the new Constitution, pursuant to which all laws and regulations were required to be consistent with Islamic teachings. The use of reservations had provided the Government with a means to ratify international instruments without breaching that requirement. To date, the State party had never encountered any situation in which adherence to Islamic teachings and criteria had hindered implementation of the rights enshrined in the Convention. However, the possibility of lifting or revising the reservation was being given due consideration.

27. **Ms. Farahmand Pour** (Islamic Republic of Iran) said that in addition to facilitating the registration of the country's NGOs, the Ministry of the Interior provided them with assistance, including various forms of training. In all, 175 of the thousands of NGOs registered with the Ministry dealt specifically with children's rights, and every three years they held a vote to elect a representative to the national body responsible for monitoring the domestic implementation of the Convention. Monitoring mechanisms at local level, particularly in the provinces in which economic

and social circumstances were less favourable, were also provided for. Many of the activities proposed in the draft national plan of action on children's rights were to be carried out in close cooperation with NGOs.

28. In recent months, the Office of the Vice-President for Women and Family Affairs had organized courses on empowerment for NGOs active in areas of concern to women and children. In general, NGOs were removed from the Ministry's register of authorized organizations only if their activities were incompatible with their by-laws. Such removals were rare, and they never had anything to do with an NGO's human rights activities.

29. **Mr. Abbasi** (Islamic Republic of Iran) said that under article 66 of a recent amendment to the Code of Criminal Procedure, NGOs could lodge criminal complaints with the courts on behalf of children whose rights had been violated. That amendment was consistent with the country's considerable recent efforts to strengthen its civil society.

30. **Mr. Mogharеh Abed** (Islamic Republic of Iran) said that the draft national plan of action was entering the final stages of the approval process. The plan included 11 strategies that covered all the rights addressed by the Convention, as well as mechanisms for monitoring and assessment. It also provided for the designation of NGOs to monitor progress towards the achievement of the objectives explicitly identified by the plan, such as the elimination of discrimination.

31. **Mr. Alvandi** (Islamic Republic of Iran) said that children themselves could contribute to the national database developed by the National Body for the Convention on the Rights of the Child, as could NGOs working in villages in the provinces. The National Body also collected information about organizations or agencies willing to provide assistance to children, the most disadvantaged ones in particular. The website for the database was available in several languages.

32. **Mr. Abbasi** (Islamic Republic of Iran) said that it would take time for the country to consider such issues as the age of criminal responsibility from all angles. In that connection, judges were expected to defer to the opinions of experts as to whether children who had committed crimes were aware of what they had done and whether their mental development was normal for their age. Juvenile courts had been designated as a forum for considering such issues, and in recent days officials from the Ministry of Justice had received training on the methods of determining whether children could be held legally responsible for the crimes they had committed. In any event, in such jurisdictions as Tehran Province, it had been years since a minor had received a death sentence, and the strategic objective of the Ministry of Justice, included in the draft national plan of action, was to raise the age of criminal responsibility to 18.

33. **Mr. Hajianzadeh** (Islamic Republic of Iran) said that there were some 13 million children of school age in the country. All children could speak their native languages in school and classroom instruction could take place in the country's minority languages, but textbooks were in Persian, as children needed to be familiar with the country's national language. Non-curricular texts in minority languages could be used to supplement textbooks in Persian, however. In addition, schoolchildren studied from geography textbooks specific to their provinces.

34. Special schools had been set up for children with disabilities. Recreational activities for such children were offered by centres run by organizations affiliated with the Ministry of Education. There were five such centres in Tehran and five in the rest of the country. Plans had been made to open 25 more. By order of the Supreme Leader, Afghan children who were not legally resident had been authorized to enrol in Iranian schools.

35. **Mr. Kotrane** said it was regrettable that many of the concerns expressed by the Committee in its 2005 concluding observations had still not been resolved. Noting the State party's argument for maintaining its reservation to the Convention, namely that article 4 of the Iranian Constitution provided that all laws and regulations must be based on Islamic criteria, he pointed out that several other countries that identified themselves as Islamic had withdrawn their reservations to the Convention. The Committee therefore urged the State party to draw on the experience of other countries in the region and not to use article 4 of the Iranian Constitution to justify its failure to make the reforms called for by the Committee on the Rights of the Child and the Human Rights Committee, including withdrawing its reservation to the Convention, raising the age of criminal responsibility and prohibiting the death penalty for minors.

36. **Ms. Ayoubi Idrissi** asked whether the impact of the various plans of action, strategies and programmes on children's rights had been assessed, whether follow-up mechanisms were in place, and whether indicators had been developed. She wondered whether any progress had been made in relation to the establishment of an independent national human rights institution, as recommended by the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights. If so, what provision had been made to ensure that children had access to the institution and, if not, what recourse did children whose rights had been violated have to complaints mechanisms? She would be interested to know how and to what extent the Convention was disseminated in the State party and what training was provided to children from all walks of life on its provisions. She asked whether the right of children to express their views in administrative or judicial proceedings, for example concerning the granting of custody, was recognized and, if so, to what extent those views were taken into consideration.

37. **Ms. Oviedo Fierro** asked whether the draft plan of action on children's rights included any provisions on the participation of children and whether funds were being invested in that area. Would children be actively included in the process of cultural change that was under way in the country and consulted on issues that affected them, such as the wearing of the veil for girls?

38. **Mr. Abbasi** (Islamic Republic of Iran) said the fact that, under article 4 of the Constitution, all laws and regulations must be in line with Islamic teachings did not mean that legislators were blocked from making reforms or that the State party was prevented from acceding to international instruments. The Guardians Council had examined the Convention and not found any provisions that were inconsistent with Islamic teachings, but the process of amending the relevant legislation would be a lengthy one, involving broad consultation and discussions. In general, Iran was in the process of changing people's attitudes, in line with the objectives of the Convention.

39. **Ms. Farahmand Pour** (Islamic Republic of Iran) said that, in accordance with the Personal Status Registration Act, the birth of any child born in Iran must be registered within 15 days, regardless of the nationality or marital status of the parents. The issuance of birth certificates and identity documents and the granting of Iranian nationality were separate matters. A child born to an Iranian woman and non-Iranian man would not be granted Iranian nationality until the child applied for it at the age of 18. Since 2015, efforts had been stepped up to increase the birth registration rate in certain regions, particularly among the nomadic and rural population, with positive results.

40. **The Chair**, noting that the number of children deprived of a family environment or whose parents were in prison included a disproportionate percentage of children from ethnic minorities, said that he wished to know what steps were being taken to improve that situation. He also wished to know whether the number of children under the protection of the State was increasing or decreasing and what efforts were being

made to ensure that those children could live in a family environment. At what stage of the legislative process was the Family Protection Bill and how would it address the gaps that had been identified in law and practice?

41. Expressing concern that the Children and Adolescents Protection Act allowed for the possibility of marriage between adoptive parents and the children in their care, he asked about the thinking behind that provision and why had it not been removed. He would welcome additional information on the conditions for placement in boarding centres of children deprived of a family environment and on the monitoring of such institutions. Welcoming the publication of the guidelines on the care of mothers and their small children in prisons, he asked about the results of their pilot implementation in five prisons. What measures were in place to ensure that the best interests of children were taken into account before sentencing and in prison and to ensure that children who were not with their parents in prison maintained contact? He asked the delegation to comment on the fact that, when children turned 7, custody was automatically granted to the father or paternal grandfather in the event of divorce. Was it true that married girls were not allowed to file complaints on family matters? While Iran was to be commended on its high education coverage rate, the Committee was concerned at the high dropout rate for girls, particularly in rural areas, the restriction of girls' and women's right to education by court ruling if a husband found his wife's education incompatible with the interests of the family, harassment of Baha'i children, and disparities between schools in urban and rural areas. What was the State doing to address those challenges? Lastly, noting that the Committee had raised concerns about the issue of temporary marriages in its 2005 concluding observations, he asked what had been done to address the problem since then.

42. **Mr. Nelson** asked whether there were any special shelters and victim support services for children who had suffered sexual abuse and, if so, how many children had accessed them. Did the school curriculum include sexual and reproductive health education covering early pregnancy and sexually transmitted infections, gender identity and sexual orientation, and did children have access to contraception? He wished to know what steps the Government was taking to improve living conditions for children in underdeveloped regions in the country that lacked basic services. What efforts were being made to address the problem of landmines, which had resulted in the death of a number of children in 2015?

43. **Ms. Winter** said that she would be interested to hear about any assistance measures in place for asylum-seeking and refugee children in the field of education and for migrant children over the age of 15 in the field of employment. Were there any programmes to support education in rural areas and prevent child labour and economic exploitation? Were there any measures other than placement in a closed institution to support street children? Noting that Iran was a country of transit and destination for the sale, trafficking and abduction of children, she asked whether there were any programmes involving the police and customs authorities to help victims of those practices. Concerning juvenile justice, were there any guidelines for judges on judicial reasoning and conventional and sharia limits for correction and protection, particularly in the light of the lack of reasoning in the judgement in the Sajad Sanjari case?

44. **Mr. Cardona Llorens** said that the State party was to be commended on the steps taken to help children with disabilities, such as the inclusion of a section on children with disabilities in the plan of action on children's rights and the ratification of the Convention on the Rights of Persons with Disabilities. However, the Committee's main concern was that the State party continued to apply a medical model of disability, and that children with disabilities were generally educated in special centres. What measures was the State party taking to move towards an inclusive education model and deinstitutionalize children with disabilities? Were

leisure and play facilities accessible to children with disabilities so as to ensure that they could play with other children and were not segregated?

The meeting rose at 6.05 p.m.